

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FUND TEXAS CHOICE, et al.,

Plaintiffs,

v.

KEN PAXTON, in his official capacity of
Attorney General, et al.,

Defendants.

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1:22-CV-859-RP

ORDER

On September 19, 2022, Defendant Ken Paxton (“Paxton”) filed a motion to dismiss Plaintiffs’ complaint and response to Plaintiffs’ motion for a preliminary injunction. (Dkt. 33). On October 11, 2022, Plaintiffs filed their first amended complaint. (Am. Compl., Dkt. 90). In light of Plaintiffs’ amended complaint, Paxton’s motion to dismiss, (Dkt. 33), pertains to a now-superseded pleading and is thus **MOOT**. *See Good River Farms, LP v. TXI Operations, LP*, No. 1:17-CV-1117-RP, 2018 WL 1770494, at *3 (W.D. Tex. Apr. 12, 2018); *see also King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994). Paxton need not refile his response to Plaintiffs’ motion for a preliminary injunction.

SIGNED on November 18, 2022.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE